IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

OP.No. 37772 of 2001(V)

PETITIONERS:
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1. **P.D. MATHAI,**
   S/O.CHERIATH DEVASSY, AGED 51,
   PANAMTHANAM HOUSE, 34/2509A, EDAPPALLY.

2. **MOHAMMED RAFI C.S.,**
   S/O.C.M.SAYED MOHAMMED, AGED 45,
   RESIDING AT SAYED MANZIL,
   THRIKKAKARA P.O., COCHIN – 21.

BY ADV. SRI.K.RAMACHANDRAN
SRI.K.MANURAJ

RESPONDENTS:
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1. **SECRETARY TO GOVEERNMENT,**
   FINANCE DEPARTMENT,
   GOVEERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **DIRECTORATE OF LOCAL FUND AUDIT,**
   4TH FLOOR, VIKAS BHAVAN,
   THIRUVANANTHAPURAM – 33.

BY GOVERNMENT PLEADER SRI. MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.37772/2001 V

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PROVISIONAL SENIORITY LIST FOR THE PERIOD FROM 1/03/92 TO 15/08/95.**

EXT.P2: **COPY OF THE FINAL SENIORITY LIST OF SENIOR GRADE AUDITORS FOR THE PERIOD FROM 1/03/92 TO 15/08/95.**

EXT.P3: **COPY OF THE PROVISIONAL SENIORITY LIST OF SELECTION GRADE AUDITORS FROM 1/01/98 TO 15/10/98.**

EXT.P4: **COPY OF THE FINAL SENIORITY LIST OF SELECTION GRADE AUDITORS FROM 1/01/98 TO 15/10/98.**

EXT.P5: **COPY OF THE REVISED SENIORITY LIST ISSUED AS PER GOVT.LETTER DTD. 19/07/01.**

EXT.P6: **COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT BY THE 1ST PETITIONER DTD. 19/11/01.**

EXT.P7: **COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT BY THE 2ND PETITIONER DTD. 16/11/01.**

/TRUE COPY/

Kss

KURIAN JOSEPH, J.

O.P. NO. 37772 OF 2001 V

Dated this the 19th day of February,2007

JUDGMENT

This Original Petition is filed with the following prayers:

> "a) to issue a writ of certiorari, or other appropriate writ, order or direction to quashing Ext.P5 revised seniority list of grade I auditors for the period 1.10.85 to 30.4.1994, published as per proceeding No.LF.5487/Estt (ss)/2001 dt.2.11.01.
>
> b) issue a writ of mandamus directing the 1st respondent to consider and dispose of Ext.P6 and P7 representations immediately after hearing the petitioners."

Since Exts.P6 and P7 representations are pending before the Government and since those representations are filed against the final seniority list, which was published without affording an opportunity for hearing to the petitioners, though they are the affected parties, by the second respondent, the petitions filed by the petitioners are liable to be considered.

Accordingly, the Original Petition is disposed of directing the first respondent to look into Exts.P6 and P7 with notice to the petitioners and other affected parties and take appropriate action thereon in accordance with law, within a period of four months from the date of receipt of a copy of this judgment. Any action taken by the second respondent in the light of Ext.P2 will be subject to the decisions taken by the Government.

(KURIAN JOSEPH)
Judge

ahz/

KURIAN JOSEPH,J.

O.P.NO. 37772 OF 2001

JUDGMENT

19th February, 2007